

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:18-CR-453-FL-1

UNITED STATES OF AMERICA,

v.

NAEEM ASKIA-DERRICK BRANCH,

Defendant.

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**ORDER**

This case comes before the court on the government's unopposed motion (D.E. 27) for reconsideration of the court's 29 March 2019 Order (D.E. 26) requiring the parties to "file a list of witnesses counsel expects to call at the hearing [on 16 April 2019 on defendant's motion for suppression (D.E. 24)] and the subject matter of their testimony" and to "provide to the court . . . two notebooks, each containing copies of all exhibits such counsel expects to offer at the hearing in addition to the originals." In support of its motion, the government argues that it has complied with its discovery obligations; the federal and local criminal rules do not provide for the disclosure of witnesses or production of exhibits prior to a hearing on a suppression motion; and the court can familiarize itself with the likely testimony on behalf of the government at the hearing by reviewing the government's response to the suppression motion (D.E. 25).

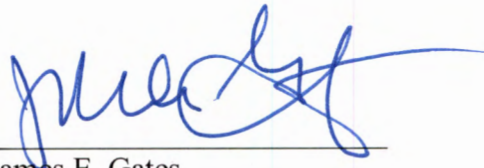
The manifest purpose of the court's order was to assist the court in preparation for the hearing, including ensuring that it allocates sufficient time to accommodate the volume of evidence the parties anticipate presenting. The court believes the 29 March 2019 Order falls well within its authority to manage proceedings before it. At the same time, the government identifies no interest or right of its that compliance with the 29 March 2019 Order would prejudice.

Nonetheless, upon reconsideration of the terms of the 29 March 2019 Order, the court finds that requiring counsel to make an explicit estimate of the time needed for the direct examination

of each witness they expect to call would be helpful to the court. Each party shall therefore include in the witness lists the 29 March 2019 Order requires them to file such an estimate for each witness listed. The other terms of the 29 March 2019 Order remain in full force and effect.

The government's motion is therefore ALLOWED IN PART and DENIED IN PART on the terms stated.

SO ORDERED, this 8th day of April 2019.



James E. Gates  
United States Magistrate Judge